

Registry of the Competition Tribunal

2013-14

Report on Plans and Priorities

Christian Paradis

Minister of Industry and Minister of State (Agriculture)

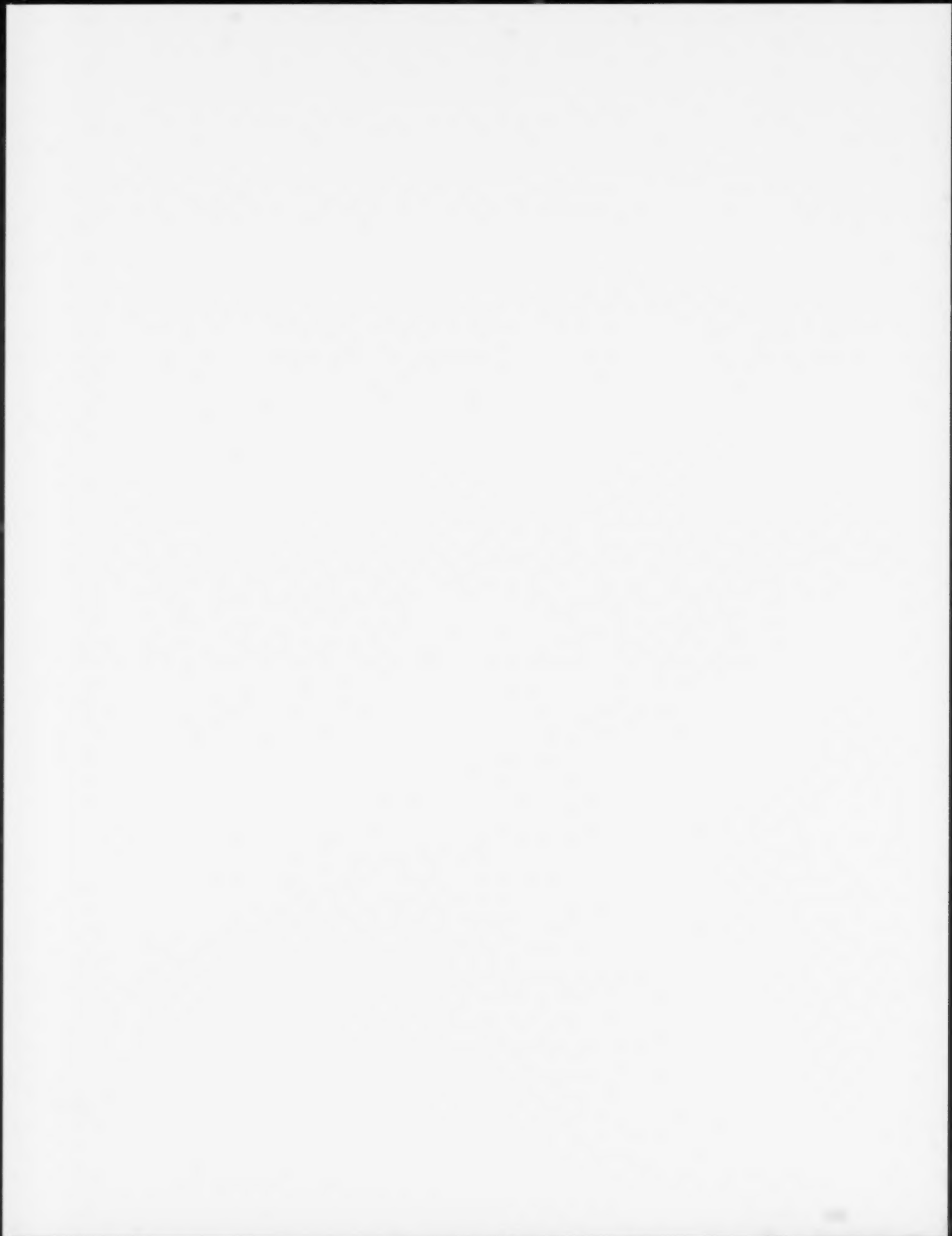
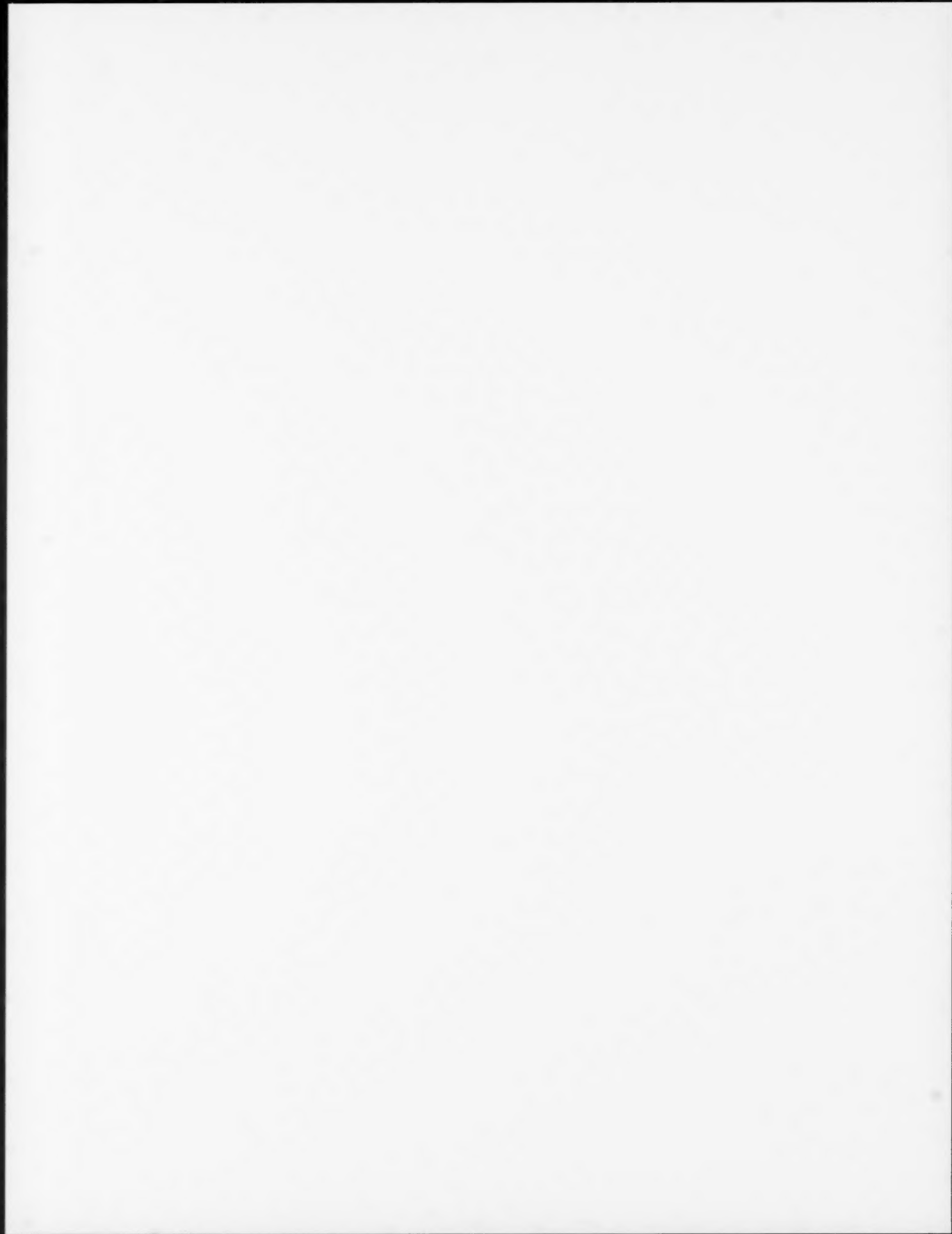


Table of Contents

Minister's Message	1
Section I: Organizational Overview	3
Raison d'être	3
Responsibilities.....	3
Strategic Outcome and Program Alignment Architecture (PAA).....	4
Organizational Priorities	5
Risk Analysis	8
Planning Summary	9
Expenditure Profile	11
Estimates by Vote.....	12
Section II: Analysis of Programs by Strategic Outcome.....	13
Strategic Outcome.....	13
Program: Process Cases.....	13
Planning Highlights.....	14
Program: Internal Services	14
Planning Highlights.....	15
Section III: Supplementary Information	17
Financial Highlights	17
Future-Oriented Financial Statements.....	18
Tax Expenditure and Evaluation Report	18
Section IV: Other Items of Interest.....	19
Organizational Contact Information	19
Endnotes.....	20



Minister's Message

In response to the continuing challenges facing the global economy, our government is determined to keep Canada strong and prosperous by creating the right conditions for businesses to invest in innovation, create jobs and grow our economy.

As Minister of Industry, I am pleased that the Industry Portfolio continues to play a key role in promoting innovation, improving Canada's marketplace policies, and efficiently managing programs and services. In doing so, we are advancing Canada's international position by supporting business growth, research and development, and targeted investment.



In refreshing the science and technology strategy and its priorities, we will strengthen federal support for business innovation and continue to build Canada's knowledge-based economy.

In 2013-14, virtually all hearings before the Competition Tribunal will proceed electronically. With its recent investments in technology, the Registry of the Competition Tribunal has the tools to make hearings more efficient while decreasing the need to print large amounts of paper. The Registry will continue to actively support Tribunal members and parties, to build on the experience acquired during the first electronic hearings and to transition to this new process.

In fulfilling its mandate, the Industry Portfolio will manage its financial and human resources and will play its part in the government's efforts to return to fiscal balance.

This year's Report on Plans and Priorities for the Registry of the Competition Tribunal articulates our approach to modernizing the Canadian marketplace, boosting innovation, and helping drive the competitiveness of Canadian businesses and communities. On behalf of the Department and Portfolio, I look forward to working with my Cabinet and parliamentary colleagues, as well as with the private sector and other levels of government, to accomplish these objectives.

Christian Paradis
Minister of Industry and Minister of State (Agriculture)

Section I: Organizational Overview

Raison d'être

The Competition Tribunal, established in 1986, is an independent, quasi-judicial tribunal established under the *Competition Tribunal Act* to hear applications brought by the Commissioner of Competition or a private party, depending on the circumstances, under various parts of the *Competition Act*. The purpose of the *Competition Act* is to maintain and encourage competition in Canada. The Tribunal hears applications related to deceptive marketing practices, such as misleading advertising, under Part VII.1 of the *Competition Act*. The Tribunal also has jurisdiction to hear references as well as applications brought pursuant to Part VIII, which sets out restrictive trade practices such as exclusive dealings.

Responsibilities

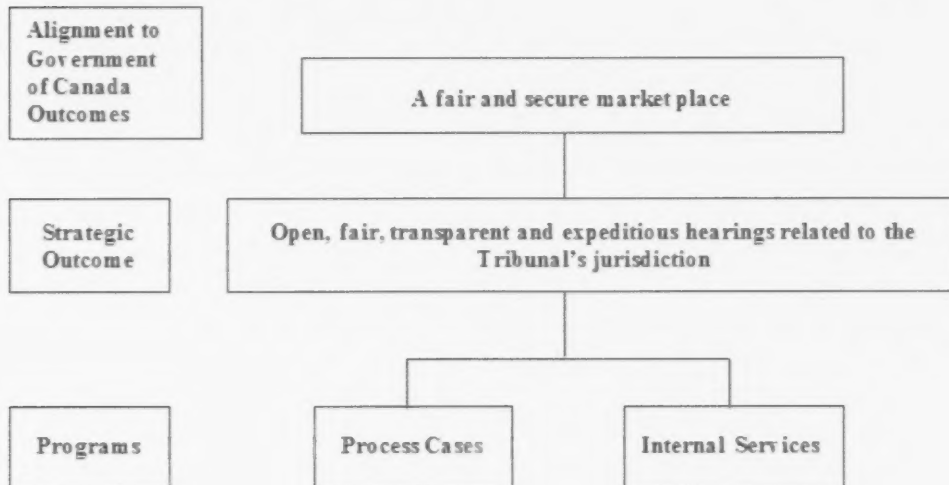
Since its creation in 1986, the Tribunal has heard cases relating to mergers, abuse of dominance, deceptive marketing and various trade practices that have involved key players in several industries. Cases have involved a number of business areas, including furniture stores, importers of cast iron pipes, airline computer reservation systems, community newspapers, aspartame, waste disposal, car parts, weight-loss products, fuel-saving devices, fireplace maintenance products, banking and credit card services, poultry supply, career management services and real estate brokerage services.

The *Competition Tribunal Act* provides for an administrative infrastructure in support of the workings of the Competition Tribunal, through the Registry of the Competition Tribunal. The Registry of the Competition Tribunal is designated a department under Schedule I.1 of the *Financial Administration Act* and therefore must adhere to federal public administration policies including the preparation of this Report on Plans and Priorities. This report pertains to the activities of the Registry in support of the Tribunal and its deliberations, and not to Tribunal cases themselves.

The Registry of the Competition Tribunal supports all aspects of the Tribunal's work and ensures that the Tribunal can hold hearings across Canada, as required. The Registry is also the repository for filing applications, consent agreements, and documents, as well as issuing documents and orders for all cases brought before the Tribunal. The office of the Registry of the Competition Tribunal is located in the National Capital Region.

Strategic Outcome and Program Alignment Architecture (PAA)

The chart below illustrates the Registry of the Competition Tribunal's framework for how its programs contribute towards its strategic outcome.



Organizational Priorities

Priority	Type ¹	Strategic Outcome
Support the implementation of electronic hearings for all cases heard by the Tribunal	Previously committed to	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction

Description

Why is this a priority?

Hearings before the Tribunal are now proceeding electronically. The Registry's recent investments in technology provide Tribunal members and parties the required tools to make hearings more efficient while decreasing the need to print massive amounts of paper.

Plans for meeting the priority

The Registry will be actively supporting Tribunal members and parties to build on the experience acquired during the first electronic hearings and continue the transition to this new process.

Priority	Type	Strategic Outcome
Provide continuous learning opportunities to Tribunal Members	Ongoing	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction

Description

Why is this a priority?

The field of competition is wide and complex. Tribunal Members must understand and be aware of economic policies and developments in Canada and abroad that could have an impact on their work as panel members.

Plans for meeting the priority

Keep Tribunal Members informed through seminars with internal or external speakers to discuss

¹ Type is defined as follows: **previously committed to** - committed to in the first or second fiscal year prior to the subject year of the report; **ongoing** - committed to at least three fiscal years prior to the subject year of the report; and **new** - newly committed to in the reporting year of the RPP or DPR.

national and international developments in competition law and economics. Provide an opportunity to new members to benefit from working with experienced members in dealing with massive amounts of evidence, questioning witnesses and drafting decisions.

Priority	Type	Strategic Outcome
Assess how the Registry could support the Tribunal in a more cost-effective manner	New	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction

Description

Why is this a priority?

The infrastructure of the Registry has been fairly static over the last decade. The Registry wants to be proactive and assess new operational models including the sharing of resources with other organizations and the amalgamation of services with a view to improve efficiencies in its service delivery to the parties and Tribunal members.

Plans for meeting the priority

A review of the Registry's infrastructure and service delivery model will take place and an action plan will be developed in consultation with the Chairperson.

Priority	Type	Strategic Outcome
Develop partnerships with other organizations to provide learning opportunities to employees	Ongoing	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction
Description		
Why is this a priority? The workload of the Tribunal fluctuates significantly. Providing staff with learning opportunities with other organizations expands their knowledge and abilities which, in turn, can be beneficial to the Registry.		
Plans for meeting the priority Review the internal workload and where feasible, integrate assignments with other organizations through Memoranda of Understanding for the sharing of resources.		

Risk Analysis

The Registry of the Competition Tribunal has an ongoing major planning challenge in that the Tribunal's sole function is to respond to the matters referred to it. As such, the Registry's activities are driven by external demands that it can only react to rather than plan for. The number of applications brought to the Tribunal depends on the enforcement policy adopted by the Competition Bureau and the number of applications filed by individuals or companies under the private access provisions of the *Competition Act*.

The hearings of the Tribunal are now proceeding electronically. The utilization of technology in the hearing room might require a certain amount of adaptation by members, parties and staff who are not at ease using these tools in a judicial environment. The Registry will provide more ad hoc technical training and information on the new technology available to the users to ensure a smooth transition to electronic hearings.

Another potential risk relates to the limited development opportunities the Registry can offer as a micro-agency. Also, the fluctuating workload of the organization adds to the complexity of maintaining an adequate number of trained resources to support the Tribunal. The sharing of resources with other organizations has proven to be effective in the past and will continue to be promoted as a way to ensure the Registry's resources are scalable and are in a state of readiness to file documents and support the Tribunal in meeting its mandate.

Planning Summary

Financial Resources (Planned Spending - \$ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16
2,331	2,331	2,332	2,329

Human Resources (Full-Time Equivalents - FTEs)

2013-14	2014-15	2015-16
10	10	10

Planning Summary Table for Process Cases (\$thousands)

Strategic Outcome	Program	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13	Planned Spending			Alignment to Government of Canada Outcomes
					2013-14	2014-15	2015-16	
Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction	Process Cases	874	1,020	1,193	1,632	1,632	1,630	A fair and secure marketplace
Sub -Total		874	1,020	1,193	1,632	1,632	1,630	

Planning Summary Table for Internal Services (\$ thousands)

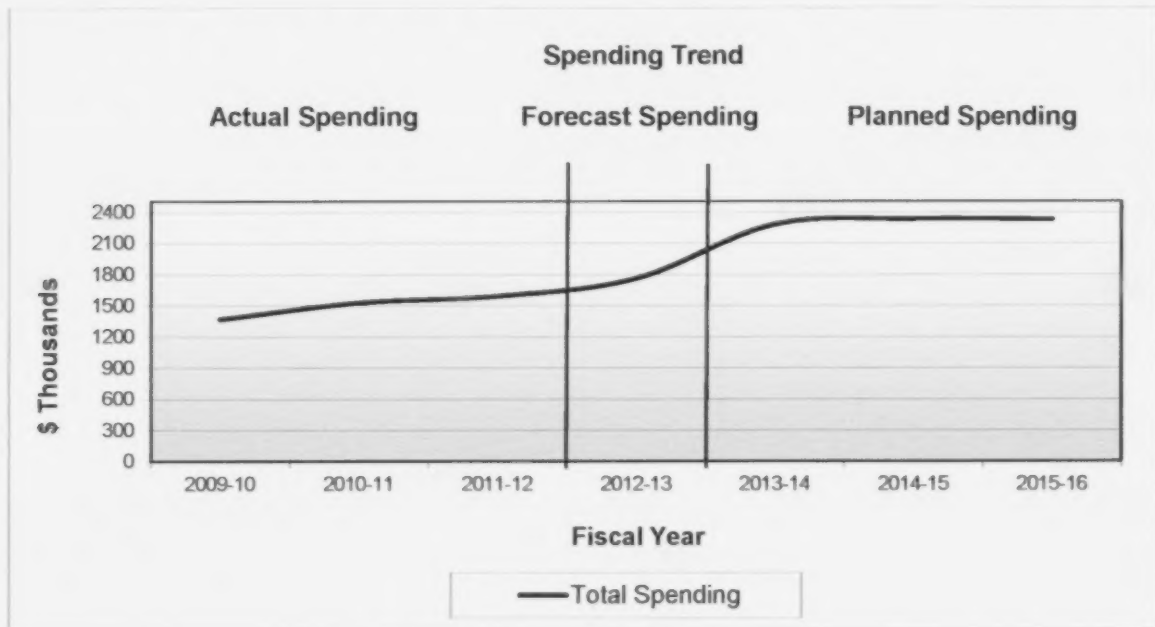
Program	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13	Planned Spending		
				2013-14	2014-15	2015-16
Internal Services	652	569	601	699	700	699
Sub -Total	652	569	601	699	700	699

Planning Summary Total (\$ thousands)

Strategic Outcome, Program and Internal Services	Actual Spending 2010-11	Actual Spending 2011-12	Forecast Spending 2012-13	Planned Spending		
				2013-14	2014-15	2015-16
Total	1,526	1,589	1,794	2,331	2,332	2,329

Expenditure Profile

Departmental Spending Trend



The Registry cannot forecast the Tribunal's workload; it can only react to it. The workload in 2012-13 was higher than in 2011-12. The Tribunal heard two large complex cases during the year, another one settled a few weeks prior to the hearing and a fourth one is already scheduled for 2013-14.

The planned spending for 2013-14 is currently expected to be equal to the funding provided in the Main Estimates for future years as it is impossible to determine whether the increase in the workload for 2012-13 is the beginning of a new trend and to what extent the new legislation broadening the scope of Part VII.1 of the *Competition Act*, Deceptive Marketing Practices, by prohibiting false or misleading commercial representations that are made electronically, will have an impact on the number of cases filed at the Tribunal when it is proclaimed into force.

Estimates by Vote

Changes to the presentation of the Main Estimates publication will begin in 2013-14 and may extend to 2014-15. For information on our organizational appropriations, please see the 2013-14 Main Estimates publication.¹

Section II: Analysis of Programs by Strategic Outcome

Strategic Outcome

Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction.

Program: Process Cases

Program Descriptions

The Registry of the Competition Tribunal's main program activity is to process cases by providing the public with efficient access to case documents and decisions, as well as with efficient hearing support services.

The Tribunal hears cases and the Registry manages the material for the cases heard by the Tribunal under Part VII.1 (Deceptive Marketing Practices) and Part VIII (which includes Restrictive Trade Practices) of the *Competition Act*.

Financial Resources (\$ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16
1,632	1,632	1,632	1,630

Human Resources (Full-Time Equivalent - FTEs)

2013-14	2014-15	2015-16
6.5	6.5	6.5

Program Expected Results	Performance Indicators	Targets
Timely registry services that provide efficient access to case records and decisions	Percentage of non-confidential case documents and decisions posted on website within 48 hours of filing	90%
Documents that are processed	Documents processed within	100%

according to timeframes	established timeframes	
Efficient access to electronic processing of applications	Percentage of documents filed using the electronic filing system	50%

Planning Highlights

Time and effort from Registry staff will have to be focused on providing timely training to the members and to some extent to the parties prior to using the new technology for electronic hearings. A smooth transition to this new process will ensure a strong and long lasting buy-in from all involved. Additional training will be provided to Registry staff to ensure they get comfortable providing support to members and parties during electronic hearings. Also, providing employees with developmental assignments with other organizations whenever operationally feasible will expand their knowledge and abilities and ensure that the Registry maintains an adequate number of trained resources available to support the Tribunal in delivering its mandate.

Program: Internal Services

Program Description

Internal Services is an umbrella term for activities under the Registry's administration that meet program needs and other corporate obligations. These activities are management and oversight, communications, legal services, human resources management, financial management, information management, information technology, real property, material, acquisition, travel, and other administrative services.

Financial Resources (\$ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013-14	Planned Spending 2014-15	Planned Spending 2015-16
699	699	700	699

Human Resources (Full-Time Equivalent - FTEs)

2013-14	2014-15	2015-16
3.5	3.5	3.5

Program Expected Results	Performance Indicators	Targets
High-quality internal services to the Registry function to ensure the infrastructure is in place to assist the Tribunal in meeting its mandate	Continuous review of internal policies, procedures and internal controls.	25% per year
	Public Service Commission and Receiver General's rating of financial and human resources management.	80%

Planning Highlights

This program activity is intended to establish internal services expectations and monitor overall service performance of the Registry. The Registry intends to follow the Management Accountability Frameworkⁱⁱ management practices to act in the best interest of the Registry, its members, its employees and Canadians.

Section III: Supplementary Information

Financial Highlights

Future-Oriented Condensed Statement of Operations and Departmental Net Financial Position

For the Year ended March 31

(\$ thousands)

	\$ Change	Forecast 2013-14	Estimated Results 2012-13
Total expenses	526	3,193	2,667
Total revenues	-	-	-
Net cost of operations before government funding and transfers	526	3,193	2,667
Departmental net financial position	(55)	(46)	9

Future-Oriented Condensed Statement of Financial Position

For the Year ended March 31

(\$ thousands)

	\$ Change	Forecast 2013-14	Estimated Results 2012-13
Total net liabilities	6	262	256
Total net financial assets	1	142	141
Departmental net debt	5	120	115
Total non-financial assets	(52)	73	125
Departmental net financial position	(55)	(46)	9

Future-Oriented Financial Statements

The workload in 2012-13 was higher than in previous years. The planned spending for 2013-14 is currently expected to be equal to the funding provided in the Main Estimates for future years as it is impossible to determine whether the increase in the workload for 2012-13 is the beginning of a new trend and to what extent the new legislation broadening the scope of deceptive marketing practices, by prohibiting false or misleading commercial representations that are made electronically, will have an impact on the number of cases filed at the Tribunal when it is proclaimed into force.

The Registry's Future-Oriented Financial Statements can be found on the Competition Tribunal's website.ⁱⁱⁱ

Tax Expenditure and Evaluation Report

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations*^{iv} publication. The tax measures presented in the *Tax Expenditures and Evaluations* publication are the sole responsibility of the Minister of Finance.

Section IV: Other Items of Interest

Organizational Contact Information

For further information please contact:

Registry of the Competition Tribunal
90 Sparks Street, Suite 600
Ottawa, ON K1P 5B4

Deputy Head and Registrar: 613-957-7851

Competition Tribunal's website: www.ct-tc.gc.ca

Endnotes

ⁱ The 2013-14 Main Estimates, <http://www.tbs-sct.gc.ca/ems-sgd/csp-pbc/mc-bpd-eng.asp>

ⁱⁱ The Management Accountability Framework, <http://www.tbs-sct.gc.ca/maf-crg/index-eng.asp>

ⁱⁱⁱ The Registry of the Competition Tribunal's Future-Oriented Financial Statements, <http://www.ct-ct.gc.ca>

^{iv} The Tax Expenditures and Evaluations, <http://www.fin.gc.ca/purl/taxexp-eng.asp>